REMARKS

Claims 1-26 are pending in the present application. In the Office Action mailed August 27, 2003, the Examiner rejected claims 1-3, 6, 7, 10-12, 14, 23, 24, and 26 under 35 U.S.C. §102(a) as being clearly anticipated by Neville et al. (USP 6,272,636). Next, the Examiner rejected claims 4, 5, 13, 15, and 25 under 35 U.S.C. §103(a) as being unpatentable over Neville et al. Claims 8, 9, and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over Neville et al. in view of Linden et al. (USP 6,360,254). Claims 17-22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Neville et al. in view of Earnest (USP 4,888,798).

Background

Before addressing the Examiner's rejection with respect to each claim, Applicant wishes to take the opportunity to highlight some basic distinctions between the invention and the art of record. Specifically, while the claimed invention is directed to remotely enabling specific *options* of a device that were previously disabled, the applied art, and specifically Neville et al., is directed to a system to control an end user's execution of a digital product during an evaluation period. Neville et al. teaches a system whereby an end user can execute an evaluation copy of a specific digital product and, if so desired, follow a sequence of steps to purchase the non-evaluation version of the digital product. Neville et al. teaches a system that employs "metering," whereby upon an attempt to execute an evaluation version of a digital product, the evaluation version communicates with a server/clearinghouse to determine whether the evaluation version can be used by that particular end user at the particular time of the request. See Col. 13, lns. 20-31. If the server/clearinghouse determines that the user is within the evaluation period, the server/clearinghouse then transmits an unlock key to the evaluation version of the digital product, thereby allowing the digital product to execute at that particular instance. However, if the server/clearing house determines that the end user is outside of the evaluation period, the user is informed that the digital product cannot be executed. This "approval process," including downloading the unlock key, must be repeated each and every time the user wishes to execute the evaluation version of the digital product. Simply, Neville et al. teaches a system of "execution control" whereby, prior to every execution of a digital product, approval from a server/clearinghouse must be secured. See title of Neville et al. and Col. 13, lns. 20-31.

On the other hand, the claimed invention is directed to enabling disabled options on a device. Furthermore, the claimed invention does not control and monitor each individual

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execution of a specific digital product, as in Neville et al., but rather enables a specific option in an overall system for a predetermined amount of time or, in some instances, indefinitely. One of ordinary skill in the art will recognize that the claimed invention is readily distinguishable from the art of record. Applicant believes these distinctions will become more clear upon a detailed analysis of the claimed invention and the art of record.

Rejections Under §102(e)

Regarding claim 1, the claim, in part, calls for "receiving a user I.D. at a centralized facility from a user," "receiving an option-enabling request from the user specifying an option requested to be enabled in equipment at a subscribing station," and "at the centralized facility, confirming that the option has not already been enabled." Contrary to the Examiner's assertions, Neville et al. does not teach such.

Neville et al. does not teach "receiving a user I.D. at a centralized facility _from a user_." Rather, in the very section cited by the Examiner, Neville et al. teaches that "[t]he client application executing on the end-user computing device provides a request/user ID to the server clearinghouse." Col. 13, 18-20. This distinction is indicative of a fundamental difference between the objectives of the claimed invention and Neville et al.

That is, Neville et al. is concerned with a "form of control to prevent unauthorized use of the digital product while still making the product widely available for consumer evaluation." Col. 1, lns. 61-64. Neville et al. identifies that previous attempts to implement execution control included providing the user with a "crippled" version of the non-evaluation version digital product. Col. 2, lns. 12-33. Neville et al. states that such "crippled" versions are unacceptable to meet the demands of the user to evaluate the product. Col. 2, lns. 28-33. Therefore, in order to allow optimal consumer evaluation, the execution control of Neville et al. is implemented by the computing device so that the user is presented with an evaluation experience that accurately represents the regular version of the digital product. Accordingly, Neville et al. teaches that "[t]he _client application...provides a request/user_ ID to the server clearinghouse." Col. 13, 18-20. Therefore, Neville et al. does not teach that a request is received from a _user_, as claimed.

Additionally, Neville et al. does not teach the element of: "receiving an option-enabling request from the user _specifying an option requested_ to be enabled in equipment at a subscribing station." Simply, Neville et al. is directed to execution control of an entire executable digital product. Col. 4, lns. 52-60. Neville et al. teaches that "[t]he client application executing on the end-user computing device provides a request/user ID to the server/clearinghouse," whereby the

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server/clearinghouse "tracks requests by this user to execute this digital product" and "determines whether the user is authorized to execute the application." Col. 13, lns. 19-25. Therefore, Neville et al. teaches only a request for execution of the digital product. Simply, Neville et al. does not teach "specifying any option requested" because the only request communicated is to request execution of the specific product. This distinction illustrates one fundamental difference between the claimed invention and Neville et al. Specifically, this element of the claimed invention is directed to activating options in equipment, while Neville et al. is directed to controlling activation of entire digital products.

Further, Neville et al. does not teach the element of: "confirming that the option has not already been enabled." Specifically, such would not be consistent with the execution control system of Neville et al. because if the execution controlled digital product were already activated, it would not request activation. That is, since the very digital product that requires an activation request also makes the request, it is unnecessary for Neville et al. to confirm "that the option has not already been enabled." Therefore, Neville et al. does not teach such, and actually leads one away from conducting such a step, and therefore cannot even suggest such a step.

For all of these reasons, claim 1 is patentably distinct from the art cited. Additionally, Applicant believes claims 2-9 are in condition for allowance pursuant to the chain of dependency.

Regarding claim 10, the Examiner stated that "Neville et al. also teach validating an options request, creating an option key in response thereto, a communications network for relaying data, and transmitting the option key through an external communications network" in column 10, lines 62-65 and column 13, lines 13 to column 14, line 15. However, the cited section does not support the Examiner's contention. In fact, just before the section cited by the Examiner, Neville et al. teaches that "[t]he server stores a symmetric unlock key used previously by the builder (FIG. 7) to encrypt selected portions of the metered application, e.g., code section 302 (FIG. 4) and entries 408 in section table 300d'." Col. 10, lns 46-50. Therefore, contrary to the Examiner's assertion, the server of Neville et al. does not create an option key in response to an option request. Rather, Neville et al. is clear that anything resembling an "unlock key" is created well before any request because Neville et al.'s "unlock key" is necessary to build the very execution controlled product that ultimately makes a request. As such, Neville et al. teaches that any such "keys" are created when building an execution controlled product. Simply, Neville et al. teaches that the keys are stored, not created, by the server. Id. Therefore, Neville et al. does not teach "an on-line center capable of receiving and authenticating a user I.D....and creating an option key in response thereto," as claimed. Accordingly, claim 10 is patentably distinct from the

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cited art. Furthermore, claims 11-17 are in condition for allowance at least pursuant to the chain of dependency.

Regarding claim 23, the Examiner failed to specifically address the elements of claim 23. Rather, the Examiner rejected claim 23 under the same assertions applied to claim 1. As such, Applicant incorporates herein the relevant remarks with respect to claim 1. Specifically, at the very least, Neville et al. does not teach "receiving an option-enabling request specifying an option requested to be enabled in the device at a subscribing station." That is, Neville et al. does not teach specifying any option requested because the only request communicated is to request execution of the specific product contacting the server/clearinghouse, not an option thereof. Col. 13, lns. 19-25.

Furthermore, Neville et al. does not teach "confirming that the option has not already been enabled." That is, Neville et al. teaches that the very digital product that requires an activation request makes the request. Therefore, it is unnecessary for Neville et al. to confirm "that the option has not already been enabled" because an active product would not be caused to make another request during a period of previous activation.

For all of these reasons, claim 23 is patentably distinct from the art of record. Additionally, Applicant believes claims 24-26 are in condition for allowance at least pursuant to the chain of dependency.

Rejections Under §103(a)

Regarding claim 18, the Examiner asserted that which is claimed is unpatentable over Neville et al. in view of Ernest. However, neither reference teaches or suggests a comparison of "the option-enabling request with any other option requests for that system I.D." As previously shown, Neville et al. only determines whether the digital product requesting an "unlock key" is outside the evaluation period. Col. 2, lns. 28-34 and col. 13, lns. 31-35. Additionally, Earnest does not "compare the option-enabling request with any other option requests for that system I.D." Rather, the only comparing taught by Earnest is to compare a new transformed key to a stored key. Col. 3, lns. 49-52 and col. 4, lns. 44-63. One of ordinary skill in the art will readily recognize that the stored key of Earnest is typical in key authentication systems and is not the same as a system I.D. The keys taught by Earnest are in no way a system I.D., as claimed. As such, claim 18 is patentably distinct from the art. Accordingly, claims 19-22 are in condition for allowance pursuant to the chain of dependency.

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Therefore, in light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-26.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,

Timothy J. Ziolkowski
Registration No. 38,368
Direct Dial 262-376-5139
tjz@zpspatents.com

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P.O. ADDRESS:
Ziolkowski Patent Solutions Group, LLC
14135 North Cedarburg Road
Mequon, WI 53097-1416
262-376-5170